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A *Treatise on the Law of Naturalization of the United States*. By FREDERICK VAN DYNE, LL.M., American Consul; formerly Assistant Solicitor of the Department of State of the United States. (Rochester: The Lawyers' Coöperative Publishing Company. 1907. Pp. xvii + 528.)

The recent legislation which has introduced notable reforms in our naturalization laws and their administration furnished the occasion for the appearance of this work which was prepared as a companion volume to the same author's treatise on *Citizenship of the United States*. It possesses the merits and defects which characterized the earlier work. Mr. Van Dyne's training and his service in the department of state have made him familiar with the numerous questions which have arisen respecting citizenship and naturalization, and have enabled him to speak authoritatively regarding legislative activity, executive precedents and judicial decisions in these fields.

The author presents in detail the provisions of the existing law respecting the normal method of naturalization including qualifications of applicants, courts authorized to naturalize, the several steps required in the process and the new administrative provisions which have been introduced since the enactment of the law of June 29, 1906. It is unfortunate that in treating the latter he fails to emphasize the absence of such provisions under former laws and does not clearly indicate the revolutionary character of the changes effected by the new methods. In many cases he contents himself with a bare statement of the statutory provision or administrative regulation. In some instances this leads him to overlook significant features. Thus while he points out the right given to the United States to appear in opposition to the naturalization of any person and indicates some of the methods which have been adopted for securing information upon which the government can proceed, he fails to note the fact that special assistant United States' district attorneys are provided to act as the representatives of the government in such cases. The naturalization act of 1906 did not make such provision but authority for the same was included in a paragraph of the sundry civil expenses appropriation act of 1907. The United States has been divided into a number of districts to each of which has been assigned one of these special assistant district attorneys. Moreover, each of these attorneys is provided with a number of traveling inspectors who visit different parts of the district for the purpose of personally investigating cases in which the documents submitted show

irregularities or matters requiring special investigation. Under this plan the administration of the law will be much more efficient than it would have been if left to the regular United States' district attorney who has so many other interests to consider. The method adopted is also interesting as an illustration of the growing tendency to regard efficient administration as of no less importance than legislation.

In other chapters Mr. Van Dyne deals with naturalization by naturalization of parent, naturalization by marriage, collective naturalization, passports, and expatriation, the latter being discussed with particular reference to the changes effected by the act of March 2, 1907. A final chapter, containing a compilation prepared by the department of state, showing the laws and regulations of foreign countries affecting their citizens who have become naturalized in the United States, might have been included in the appendix which contains among other information the statutes of the United States relating to naturalization, naturalization conventions to which the United States is a party and executive orders and naturalization regulations which have been issued in pursuance of the recent acts of congress.

While Mr. Van Dyne has brought together much valuable information, his manner of presentation and choice of material are not always satisfactory. In certain parts the work takes on the character of a legal digest and consists of a compilation of judicial decisions. In other cases he includes extensive quotations from judicial opinions. Thus forty-four pages are devoted to extracts from the opinion of the Spanish treaty claims commission (1905) in the cases of *Ruiz v. United States*. In other cases, despite the fact that all of the laws of the United States relating to naturalization are printed in the appendix, many sections of the statutes are given in full in the text and in more than a dozen cases are repeated on another page. Much of this is doubtless due to the fact that the volume is intended for use by clerks of courts having jurisdiction in naturalization proceedings but this will hardly justify the extent to which the repetition has been carried. Thus pp. 189-196, with the exception of one short paragraph, consist of sections of the revised statutes and acts of congress some being repeated on other pages and all appearing in the appendix. In one case a section of an act relating to Filipinos is given on p. 309 and is repeated twice on p. 131, once in the text and once in a footnote, while in another instance a section pertaining to the naturalization of Porto Ricans and Filipinos is given on p. 49 and repeated three times, on pp. 60, 63, and 122, respectively. Another manifest instance of unnecessary repetition occurs

in the case of the rules issued by the department of state governing the granting of passports to those who have merely declared their intention to become citizens of the United States. These regulations which cover three pages of the text, are printed on pp. 371-373 and are repeated on pp. 378-380. This may have been due to careless proofreading which appears also to be responsible for the errors in the topical analysis of chapter five which cause some confusion to the reader. It is unfortunate that these defects should appear in a work which possesses the merits of this volume.

ISIDOR LOEB.

*Der Bundesstaatsbegriff in den Vereinigten Staaten von Amerika von ihrer Unabhängigkeit bis zum Kompromisse von 1850.* Von DR. JUR. ERNST MOLL. (Zurich: Schulthess and Company. 1905. Pp. 209.)

This volume is the first part of a study designed to cover the development of the American theory of the federal State down to the present time. A careful and detailed examination is made of all the discussions regarding the nature of the American Union down to and including the theory of John C. Calhoun. The several steps in the advance of philosophical and constitutional theory are described with intelligence and accuracy, and illustrated by a wealth of references to the literature of the subject. Fully half of the volume, in fact, is made of detailed footnotes containing citations of materials, not all of which, however, seems to be of real importance. The volume is characterized rather by the faithfulness and thoroughness with which the detailed development is presented, than by discovery of new material or originality of interpretation.

The doctrines of Jefferson and Madison as expressed in the Kentucky and Virginia Resolutions occasion Dr. Moll a good deal of difficulty, particularly in view of the later attitude of these statesmen. The truth seems to be that the doctrine of compact so dominated the political thought of the time that no clear cut distinction existed between natural and constitutional rights of revolution, or resistance, or secession. Many of the States expressly declared in their constitutions that the right of revolution was reserved to all citizens and was in fact an inherent and inalienable right. The men of that day neither knew nor desired to know distinctions between the constitutional right and the natural right to resist what was regarded as oppressive conduct on the part of the government; and to seek any sharp distinctions of this character is to